

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided and for the allowance of claims 1-16. Upon entry of the present Amendment, claims 1-22 will remain pending for consideration by the Examiner, with claims 1-16 standing allowed<sup>1</sup>.

The Examiner has rejected claims 17-22 under the judicially-created doctrine of obviousness-type double-patenting over claims 1-9 of U.S. Patent No. 6,139,914 or claims 1-26 of U.S. Patent No. 6,161,971, for the reasons already of record (*i.e.*, the Examiner's finding that "although the conflicting claims are not identical, they are not patentably distinct from each other because one of ordinary skill in the art would recognize that each of the recited parameters would affect the property of heat transfer.")

Together with the present response, Applicants have submitted a duly executed Terminal Disclaimer, which overcomes the obviousness-type double patenting rejection.

Applicants are filing the enclosed terminal disclaimer merely to remove any issue as to whether the claims of the above-identified application and those of U.S. Patent Nos. 6,139,914 and 6,161,971 in any way conflict. However, neither Applicants nor the assignee intend to make any representation as to whether the invention defined by any of the claims of either the application or any or both of the patents would have been obvious in view of the other or whether an obviousness-

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<sup>1</sup> Page 1 of the Official Action indicates that claims 1-17 were allowed, but page 2 indicates that claims 1-16 were allowed, with claims 17-22 being rejected. Applicants assume the Examiner's allowance on page 17 is a clerical error; however, the Examiner is requested to inform Applicants if their understanding is incorrect.



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type double patenting rejection would be appropriate if the enclosed terminal disclaimer was not filed. Nor do Applicants acquiesce in the propriety of the Examiner's rejection. The terminal disclaimer is being filed only to expedite the allowance of the pending claims. Applicants thus respectfully submit that each and every pending claim in the present application is in condition for allowance, and respectfully requests both withdrawal of the double patenting rejection, and allowance of all pending claims in the present application.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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